

REMARKS

I. Introduction

Claims 33-35, 37-41, 45-47, 49-58, 61-63, 81-89, 92-94 and 97-99 are pending in the present application. Claims 36 and 42 have been canceled, while Claims 97-99 have been added. In a June 10, 2010, Non-Final Office Action (herein "Office Action"), the Examiner rejected Claims 33-42 and 45-47 under 35 U.S.C. § 101 because the claimed invention was directed towards non-statutory subject matter. Furthermore, Claims 33-42, 45-47, 49-58, 61-63, 81-89 and 92-94 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,233,568 to Kara (hereinafter Kara) in view of U.S. Patent No. 5,324,893 to Manduley et al. (hereinafter Manduley) further in view of U.S. Patent No. 5,019,991 to Sansone et al. (hereinafter Sansone) and further in view of Official Notice as evidence by U.S. Patent No. 6,889,197 to Lidow (hereinafter Lidow). The Examiner also rejected Claims 33-42, 45-47, 49-58, 61-63, 81-89, and 92-94 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,105,014 to Ramsden et al. (hereinafter Ramsden) in view of Manduley further in view of Sansone and further in view of Official Notice as evidence by Lidow. Applicants maintain that each and every rejection has been fully answered in the remarks below and assert that the pending application is in condition for allowance.

II. 35 U.S.C. § 101

In the Office Action, the Examiner rejected Claims 33-42 and 45-47 based on 35 U.S.C. §101 as not being directed to a patent eligible process. With respect to independent Claim 33, upon which the remaining claims that are the subject of this rejection depend, Applicants have amended the elements within independent Claim 33 to clarify that the computer implemented

method is “by a computer.” While the test provided in *Bilski* is no longer applicable, Applicants have amended the language in light of the telephone interview on August 27, 2010.

III. Rejections Based on 35 U.S.C. § 103

a. Claims 33-42, 45-47, 49-58, 61-63, 81-89, and 92-94

In the Office Action, the Examiner rejected Claims 33-42, 45-47, 49-58, 61-63, 81-89, and 92-94 as being unpatentable over the four-reference combination of Kara, Manduley, Sansone, and Official Notice as evidenced by Lidow. With respect to these Claims that are the subject of this rejection, Applicants respectfully traverse.

Applicants notes the inclusion in independent Claim 33 of “determining a dimension weight record of the parcel including at least one of height, length, weight, and thickness of the parcel by the computer after the parcel is received by a delivery system operator for delivery; comparing the customer-determined attributes with the dimension weight record of the parcel by the computer; transmitting a postage payment adjustment amount to the customer account by the computer when the customer-determined attributes and dimension weight record of the parcel are inaccurate based on the comparison.” Support for this can be in paragraphs [0026], [0030] and [0031], to name a few.

Applicants maintain that neither of the cited references disclose comparing customer-determined attributes and the dimension weight record to facilitate compensation or debit to a customer, as provided in the language of Claim 33 above. Manduley purportedly teaches a method and system for verifying postage amount, wherein the actual/proper postage due is compared with the amount submitted by a sender. Office Action, page 5 (citing Manduley, column 4, lines 58-60). Neither Manduley nor any of the other references disclose this feature.

Therefore, Applicants respectfully submit that this limitation is neither taught nor suggested by the prior art.

Accordingly, Applicants respectfully submit that amended independent Claim 33 is not obvious and is patentable over the cited four-reference combination. Independent Claims 49 and 81 also carry a similar limitation. For the reason above, Applicants assert that these Claims themselves are patentable. Rejected Claims 34-35, 37-41, 45-47, 50-58, 61-63, 82-89, and 92-94 depend directly or indirectly from one of these independent claims. Applicant respectfully submits that for the same reasons that Claims 33, 49 and 81 are patentably distinguishable from the prior art, Claims 34-35, 37-41, 45-47, 50-58, 61-63, 82-89, and 92-94 are also patentably distinguishable.

b. Claims 33-42, 45-47, 49-58, 61-63, 81-89, and 92-94

In the Office Action, the Examiner rejected Claims 33-42, 45-47, 49-58, 61-63, 81-89, and 92-94 as being unpatentable over the four-reference combination of Ramsden, Manduley, Sansone, and Official Notice as evidenced by Lidow. With respect to the claims that are the subject of this rejection, Applicant respectfully traverses on the same grounds set forth above, inasmuch as the Ramsden reference is acknowledged as not teaching either of the limitations set above.

IV. Conclusion

In conclusion, Applicant respectfully submits that this Response, including the amendments to the Claims and in view of the Remarks provided in connection therewith, fully responds to all aspects of the Examiner's objections and rejections tendered in the Office Action.

Applicant therefore earnestly solicits the issuance of a Notice of Allowance with respect to Claims 33-35, 37-41, 45-47, 49-58, 61-63, 81-89, 92-94 and 97-99.

If there are any fees incurred by this Amendment, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,

/Jeffrey Weiss/

Jeffrey Weiss
Reg. No.45,207